

Response under 37 C.F.R. §1.116
Attorney Docket No. **020028**
Serial No. **10/049,628**

REMARKS

Claims 1 - 3 are pending in this application. Reconsideration in view of the following remarks is respectfully requested. Applicants respectfully submit that this response is fully responsive to the Office Action dated **February 2, 2004**.

As To The Merits

As to the merits of this case, the Examiner maintains the following rejection:

claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Salvo et al. (U.S. Patent No. 6,496,751, of record) in view of Poth (U.S. Patent No. 6,445,959, or record).

This rejection is respectfully traversed.

In response to Applicants' argument that Salvo fails to disclose an NC machining assisting system comprising: a plurality of NC machine tools each including NC program generating means and NC program improving and updating means that are connected to a central manager via a network, as called for in each of independent claims 1 and 2, the Examiner disagrees and provides various arguments, in item 8.b. on pages 5 and 6 of the Action, to support his position.

However, even if, assuming *arguendo*, that the Examiner's position set forth in item 8.b. on pages 5 and 6 has some merits, Salvo still fails to disclose the features of independent claims 1 and 2 concerning *actual machining performance information is supplied to the central*

manager from the respective NC machine tools; the central manager generates a database on the basis of the collected actual machining performance information and stores the database therein.

That is, Salvo fails to disclose that actual machining performance information from a plurality of process machines 10 is supplied to a central manager. In other words, while Salvo may disclose that machine process variables from the machine process 10 and the various sensor assemblies 12, 121-129 and 221 are transmitted and stored in the data module 13 and machine operator control unit 15 before being transmitted to control unit 40 wherein control unit 40 includes software for data acquisition, data mining, and analysis to thereby enable process analysis and decision making, Salvo fails to disclose that the control unit 40 or any other control unit performs the analysis based on machine process variables received from a plurality of machine processes 10.

Instead, Salvo merely discloses that the control unit 40 performs the analysis based on machine process variables received from a single machine process 10. For example, according to Salvo, “The process variable information can also be stored by the process management system for archival reasons. Thus, if a party requests production information of a product from the process machine 10 on a certain date and time, the information can be readily and quickly retrieved by the process management system 1.”¹ (Emphasis added).

¹ Please see, lines 36 – 41, column 15 of Salvo.

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In addition, more importantly, Salvo fails to disclose that *the central manager generates a database on the basis of the collected actual machining performance information and stores the database therein*, as called for in each of independent claims 1 and 2.

That is, there is simply no support in Salvo that the control unit 40 or any other control unit generates a database on the basis of the collected machine process variables received from a plurality of machine processes 10.

Finally, Salvo also fails to disclose the claimed feature of claim 1 concerning *NC machine tools are each permitted to retrieve information necessary for machining from the database*.

That is, the Examiner argues that:

Salvo discloses a machine terminal that, in addition to controlling a process machine, may analyze process data in order to improve the process (column 13, lines 6 – 18). This machine is part of a network that also houses a central controller. The central control may archive data files for use by any consumer requiring process data (column 15, lines 36 – 56).²

However, the Examiner is clearly mis-characterizing the teachings of Salvo. More specifically, Salvo does not disclose in column 13, lines 6 -18 that a machine process 10 analyzes process data in order to improve the process. Instead, Salvo is describing the machine operator control unit 15 and the control unit 40, each of which fails to constitute an NC machine tool.

² Please see, lines 16 – 21, page 6 of the Action.

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Further, as discussed above, the disclosure in column 15, lines 36 – 56 of Salvo is only concerned with control unit 40 archiving data files based on machine process variables received from a single machine process 10.

This is in contrast to the present invention, for example, wherein the central manager collects actual operation performance records from a plurality of NC machine tools via a network, generates a database on the basis of the collected actual machining performance information, which are classified according to a machining type and which can widely be supplied from the central manager to the NC machine tools to be used in subsequent machining.

In addition, the applied secondary reference of Poth fails to disclose the above-noted drawbacks and deficiencies of the primary reference of Salvo with regard to both independent claims 1 and 2.

That is, it is respectfully submitted that Salvo and Poth fail to disclose the NC machine tool which includes NC program generating means and NC program improving and updating means, and that the central manager generates a database on the basis of the collected actual machining performance information and stores the database therein, as called for in each independent claims 1 and 2.

In view of the accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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